

schneider, marchant

From: Brown, Ron
Sent: Monday, June 21, 2010 1:28 PM
To: schneider, marchant
Cc: Bailey, Lisa; Ferrall, Diane
Subject: Potomac Intcptr oder abat SPEX09-41 060210df-rb
Attachments: Potomac Intcptr oder abat SPEX09-41 060210df-rb.docx

Marchant - Here are my suggested edits. Please call if you have any questions.
Ron x0511

**SPEX--2009-0041 / SPMI 2010-0001
POTOMAC INTERCEPTOR ODOR ABATEMENT SITE
CONDITIONS OF APPROVAL
(DRAFT)
June 2, 2010**

1. **Substantial Conformance.** The ~~proposed development of the~~ Special Exception uses set forth below in Condition 2 shall be developed in substantial conformance with Sheets 1, Sheet 4, and Sheet 5, and 6 (together comprising and herein referred to as the "Special Exception Plat") of the plan set entitled "Special Exception / Minor Special Exception Plat / Commission Permit, SPEX 2009-0040 & SPEX 2009-0041 & SPMI 2010-0001 & CMPT 2010-0002, District of Columbia Water and Sewer Authority Potomac Interceptor Long Term Odor Abatement Program – Site 46, prepared by A. Morton Thomas and Associates, Inc., dated April 21, 2010, revised through May 28, 2010 (the "Plans") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application for a 2.64-acre portion of Tax Map /81////////116F (PIN# 010-10-0295) (the "Property"), shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Uses Permitted.** Approval of the Special Exception grants 1) approval of the use shown on the Special Exception Plat pursuant to Section 4-1506(D) of the Zoning Ordinance as under the general use "structures or uses required for the operation of a public utility" in the Floodplain Overlay District (SPEX 2009-0041); and 2) modification of the Type Four (4) Buffer Yard required by Section 5-621(B) as set forth in accordance with Condition 6 Buffer Area below (SPMI 2010-0001). SPEX 2009-0041 is approved only for that area of the Property shown on Sheet 4 and Sheet 5 as lying within the bold line labeled as "Special Exception Area" (the "Special Exception Area"). ~~Notwithstanding the provisions of the PDH 4 Zoning District use regulations, outside storage of materials/equipment shall not be permitted on the Property within the Special Exception Area.~~
3. **Stormwater Management.** The Applicant shall provide a minimum of one (1) Low-Impact Development (LID) design measure in the general location shown on the Special Exception Plat. Prior to site plan approval, In designing such facilities, the Applicant shall consult with the Department of Building and Development to identify and implement LID measure(s) deemed likely to be effective based on the physical characteristics of the Property. Where ponds are proposed to meet this requirement, such ponds shall be detention ponds (wet ponds) or enhanced extended detention basins or similar facilities, and shall be maintained in accordance with the County's Stormwater Management Ordinance, currently set forth in Chapter 1096 of the Codified Ordinances of Loudoun County. theThe LID measure(s) shall will be designed implemented, and maintained and ~~implemented~~ in accordance with applicable provisions of the FSM, and the County's Stormwater Management Ordinance, currently set forth in Chapter 1096 of the Codified Ordinances of Loudoun County.

4. **Architectural Design Elements.** The exterior building design of the Special Exception use shall incorporate the architectural concepts of articulated building façades and the use of varied materials and textures, all as ~~generally~~^(RJB1) generally depicted on Sheet 6 of the Plans. A written summary of the Applicant's compliance with this Condition shall be submitted by the Applicant as part of the building/zoning permit for the Special Exception Use to which this Condition applies.

5. **Acoustical Treatment.** To mitigate potential noise attributed to the Property's location within Algonkian Regional Park, the proposed use shall be constructed to achieve a maximum exterior noise level of 55 decibels (55 db(A)) measured at the boundary of the Special Exception Area, as certified by an acoustical ~~a-licensed~~ engineer certified in the Commonwealth of Virginia as qualified to evaluate said standard. Documentation under signature/seal by said acoustical engineer describing of the design techniques and materials proposed by the Applicant to achieve the exterior noise levels required by this Condition shall be provided to the County by the Applicant prior to or in conjunction with approval of the first zoning / building permit for the Special Exception use.

~~a)6. **Landscaping: Existing Vegetation and Reforestation/Buffer Area:** Prior to first site plan approval for any use approved pursuant to SPEX 2009-0041, The~~
Applicant shall retain all existing vegetation outside of the limits of disturbance (shown on the Special Exception Plat as "LOD"). The area shown on the Special Exception Plat as "Area of Reforestation (Total = 3,500 SF)" shall be supplement existing vegetation to established as a reforested area of canopy trees to achieve 3,500 square feet of tree canopy tree cover within the Reforestation hatched area shown on Special Exception Plat Sheet 5 ("Illustrative Landscape Plan"). The size, amount, and species of the supplemental plantings shall be determined in consultation with the County Urban Forester.

~~b) **Buffer Area:** Use of existing eligible vegetation may be used in order to achieve the Buffer Yards shown on Special Exception Plat Sheet 5. [added by project manager: The Applicant will not be required to meet a minimum opacity of 95% required for Type 4 Buffer Yards per Table 5-1414(B) as applied to the subject Property per 5-621(B).]~~

The Applicant shall utilize native species for new plant material to the maximum extent possible, as determined in consultation with the County Urban Forester, ~~to the maximum extent possible.~~ All required supplemental plantings and existing trees shall be depicted on the site plan, and all supplemental plantings shall be bonded with the said prior to the first site plan approval, and installed prior to the first Occupancy Permit.

6.7. **Water Well.** The Applicant's use of a private well depicted and labeled as "Proposed Well Location" on Sheet 4 of the Special Exception Plat shall conform to and comply with local and state health regulations regarding wells located in proximity to sewer mains and within the 100 year floodplain. The proposed well location shall demonstrate said compliance prior to first site plan approval; and the proposed well use shall demonstrate said compliance prior to issuance of the first zoning permit.

7. **Pedestrian Safety Access.** During the period of construction of the Special Exception Use, ~~the Applicant shall provide / demarcate a separate pedestrian lane along an the existing gravel access road travelway within an the existing sanitary sewer easement, depicted as "EX. 75' USA SAN SEWER ESMT" on Sheet 2 of the Plans, from Cascades Parkway/Fairway Drive to the Special Exception Area entrance to the playground area located on the NVRPA parcel PIN: 010-27-2277 during construction of the Special Exception Use. Barriers, markings, signage, flagmen, or equivalent means may be used to meet this Condition demarcate the pedestrian lane. The trail footpath shall be shown on the first site plan prior to approval. A public access trail easement for the trail at this location shall be established prior to first site plan approval.~~

8. **Signage.**

- a) The Applicant shall erect a placard on the southern elevation of the building depicted as "Proposed Building" on the Special Exception Plat noting emergency contact information for the operator of the Special Exception Use. Said placard and associated message shall be depicted on the first site plan for any use approved pursuant to SPEX 2009-0041 and shall be erected prior to Occupancy Permit in such a manner as to be clearly visible to passersby.
- b) Prior to issuance of the first Occupancy Permit, a placard shall be installed on the inside egress at the Loudoun Water area of the site stating as follows: "Loudoun Water – (LCSA)" "Vehicle eExit Only – NO DCWASA VEHICLE EXIT through Quarter Path Trace Circle, Fairhills Court, or Algonkian Parkway." The location and content of this placard shall be shown on the first site plan prior to approval.

9. **Fire, Rescue and Emergency Services:**

- a) Prior to issuance of the first Occupancy Permit, the gated entrance at Cascades Blvd./Fairway Drive shall have an installed lock box/padlock to be approved by and accessible by Loudoun County Fire, Rescue and Emergency Services Department to provide first responder emergency access.
- b) a) Prior to approval of the first Zoning/Building Permit, the applicant shall provide a copy of the Material Safety Data Sheets to the first responding fire / rescue company and Haz/Mat team (currently Fire Station 19) listing any and all chemicals to include the carbon filter material on site. Prior to issuance of the first Occupancy Permit, the exterior of the entrance gate shall include a placard to specify that the facility has a hazard for fire and explosives, and a sign to include emergency contact information for the operator of the Special Exception Use.

10. **Subdivision:** ~~A subdivision waiver to create a new lot of record as shown on the SPEX plat shall be established through the County prior to approval of the first site plan.~~

11. **Emergency Access:** An easement for ingress and egress for County emergency vehicles for the purpose of performing any governmental functions which the County may find necessary to perform, including but not limited to police, emergency services, and fire protection, over and across the "EX. 75' USA SAN SEWER ESMT" from Cascades Parkway/Fairway Drive to the Special Exception Area The private access easement and privately maintenance road agreement to serve the site per shall be established prior to first site plan approval.

12. **Potomac River Floodplain Storage of Materials and Equipment:** Notwithstanding the provisions of the PDH-4 Zoning District use regulations, outside storage of materials

and equipment shall not be permitted on the Property within the Special Exception Area. Storage of materials and/ equipment shall not be permitted within the building structure below the first floor level elevation of 206.5' as shown on Special Exception Plat Sheet #4 100-Year Base Flood Elevation as confirmed by Federal Emergency Management Agency (FEMA) flood elevation certificate. A FEMA flood elevation certificate shall be obtained from Federal Emergency Management Agency, and a copy of same shall be submitted, prior to approval of the first zoning/building permit.